

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Aedes De Venustas, Inc.,

Plaintiff,

v.

Venustas International, LLC,

Defendant.

1:07-CV-04530-LTS-THK  
ECF Case

**DECLARATION OF KRISTEN MCCALLION, ESQ.**

I, Kristen McCallion, Esq., declare as follows:

1. I am over the age of 18 and make this declaration in support of defendant, Batallure Beauty, LLC f/k/a Venustas International, LLC, ("Batallure"). I make this declaration of my own knowledge, except where otherwise indicated, and could and would testify as to the matters set forth below if called upon to do so.

2. I am an associate at Fish & Richardson PC, the law firm engaged by Batallure to take over this litigation and substitute now prior counsel, Robert G. Shepherd, Esq. of Mathews, Shepherd, McKay & Bruneau, P.A.

3. During the course of the last several weeks, Fish & Richardson P.C. received the files relevant to this litigation by prior counsel, and all documents annexed hereto are true and correct copies of the documents contained within those files.

4. Annexed hereto as Exhibit A are relevant excerpts of the Deposition Transcript of Mr. Sam Ghusson, dated June 12, 2007.

5. Annexed hereto as Exhibit B are relevant excerpts of the Deposition Transcript of Ms. Robin Burns-McNeill, dated June 18, 2007.

6. Annexed hereto as Exhibit C are relevant excerpts of the Transcript of Trial Record, *Aedes De Venustas v. Venustas Int'l, LLC*, dated July 13, 2007.
7. Annexed hereto as Exhibit D is a copy of the Stark & Stark attorney time entry records for November 9, 2005 (“Initial telephone conference”) and December 1, 2005 (“Initial office conference with Mr. Sam Ghusson and Mr. Dennis McNeill”).
8. Annexed hereto as Exhibit E is a “Certificate of Formation” produced by Mr. Allen Silk (“Silk”) evidencing the formation of “RBSG Enterprises, LLC”.
9. Annexed hereto as Exhibit F are two emails produced by Silk, from Myra Gibson to Silk regarding “The Pulse, LLC”.
10. Annexed hereto as Exhibit G is an email produced by Silk from Allen Silk to Myra Gibson. The subject line is “Venustas is a possible name for the entity”.
11. Annexed hereto as Exhibit H is an email produced by Silk from Myra Gibson to Silk which states the Venustas “name is available in” New Jersey.
12. Annexed hereto as Exhibit I is an email produced by Silk from sghusson@aol.com [Sam Ghusson] to Silk which states: “Robin and I finally agreed on a name for our company so go ahead and register it Venustas International.”
13. Annexed hereto as Exhibit J is an email, along with an attachment to this email of “a quote for trademark work”, produced by Silk, from Myra Gibson to Silk, which states “the name Venustas International is available”.
14. Annexed hereto as Exhibit K is a document produced by Silk, for “Professional services rendered, including corporate and trademark search for name availability...” for \$1560.00.

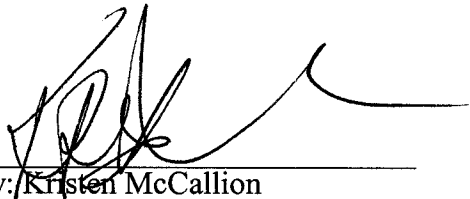
15. Annexed hereto as Exhibit L is an email produced by Silk from Myra Gibson to sghusson@aol.com [Sam Ghusson], of which the subject line is "Name Change", and a "Certificate of Amendment of Articles of Formation of RBSG Enterprises, LLC".

16. Annexed hereto as Exhibit M is a "New Jersey LLC Formation Checklist" produced by Silk.

17. Annexed hereto as Exhibit N is an email from Burns to Pierdinand@aol.com "Pierre" in which Burns stated "Important for you to know that AEDES of VENUSTAS is NOT our company".

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on May 23, 2008 at New York, New York.



By: Kristen McCallion